IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1843/06

Ram Kishan Meena **Versus** State & Ors.

DATE OF ORDER :: 11/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. B.R. Rana, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed by petitioner with the grievance that report which was submitted by him at Police Station, Bassi, District Jaipur despite cognizable offence from the complaint is made out, the police authorities failed to register the same and only grievance is that complaint be registered and proper investigation be made.

This court directed the Public Prosecutor to keep the case diary ready, which has been placed today for perusal.

It appears from the record that some investigation has been made, but complaint of petitioner was never registered. If cognizable offence from perusal of complaint is made out, it is bounden duty of police authorities to first register the case and then to make investigation as required u/s.154(1) of the Code.

Apex court in **State of Haryana Vs. Bhajan Lal [1992 Supp (1) SCC-335]** observed as under:

> “It is, therefore, manifestly clear that if any information disclosing a cognizable offence is laid down an officer in charge of a police station satisfying the requirements of Section 154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information.”

The apex court in **Mohindro Vs. State of Punjab [AIR 2001 SC-2113]** has also observed as under:

> “The grievance of the appellant is that though she has approached the authority for registering a case against the alleged accused persons but the police never registered a case and never put the law in motion, and therefore, having failed in an attempt in the High Court to get a case registered she has approached this Court. Pursuant to the notice issued the respondents have entered appearance. Though the learned counsel appearing for the State of Punjab stated that there had been an

> enquiry, we fail to understand as to how there can be an enquiry without registering a criminal case. On the facts alleged, it transpires that the appellant approached the police for registering a case and get the allegation investigated into and yet for no reasons whatsoever the police failed to register the case. In the aforesaid premises, we allow this appeal and direct that a case be registered on the basis of the report to be lodged by the appellant at the Police Station within a week from today and thereafter the matter will be duly investigated into and appropriate action be taken accordingly."

The aforesaid judgment [supra] has been noticed by apex court in **Ramesh Kumari Vs. State [(2006) 2 SCC-677]** and it has been observed that police officer is under an obligation to register the case on a complaint of cognizable offence u/s.154 of the Code.

Bare perusal of present complaint also discloses cognizable offence. This court, therefore, considers it appropriate to direct the respondents to register complaint of petitioner u/s.154(1) of the Code and make investigation in accordance with law.

With the above observations, the misc. petition stands disposed of.

[AJAY RASTOGI],J.